IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 24064 of 2007(M)

PETITIONER:

SURYA DAIRY FARM, ASHTAMICHIRA P.O.,
REP. BY ITS MANAGING PARTNER,
N.P. SUDHEER, AGED 42,
S/O. LATE SRI. PRAHBAKARAN,
NILATHUKATTIL HOUSE, PO, ASHTAMICHIRA.

BY ADV. SRI.SHEEJO CHACKO
SRI.BIJU KURIAKOSE
SRI.D.KRISHNANKUTTY PILLAI

RESPONDENTS:

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1. **MALA GRAMAPACHAYATH, REP. BY ITS SECRETARY, P.O., MALA.**

2. **ABDUL RAHIMAN, KUTTAMUGATHU HOUSE, MALA GRAMA PANCHAYATH, MUKUNDAPURAM, THRISSUR 680 731.**

3. **KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE AT THRISSUR, REP BY THE ENVIRONMENTAL ENGINEER.**

BY ADV. SRI.BABU CHERUKARA for R1
SRI.JIJO PAUL for R2
SRI.M.K.CHANDRA MOHANDAS,SC,POLL.C.BOARD for R3
SRI.P.JOSHY JOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE LICENSE ISSUED BY THE PANCHAYAT.

EXT.P2: COPY OF THE NOTICE DTD. 18/02/06 ISSUED BY THE REGISTRAR OF HUMAN RIGHTS COMMISSION.

EXT.P3: COPY OF THE ORDER DTD. 17/05/2006 ISSUED BY THE HUMAN RIGHTS COMMISSION.

EXT.P4: COPY OF THE SANITATION REPORT DTD. 28/03/2007 ISSUED BY HEALTH SUPERVISOR, PRIMARY HEALTH CENTRE, ALOOR.

EXT.P5: COPY OF THE NOTICE DTD. 23/07/2007 ISSUED BY 1ST RESPONDENT PANCHAYAT.

EXT.P6: COPY OF THE REPORT DTD. 6/03/2006 FILED BY THE COMMISSIONER DEPUTED BY KERALA HUMAN RIGHTS COMMISSION.

EXT.P7: COPY OF THE APPEAL FILED BY THE PETITIONER U/S.276 OF THE KERALA PANCHAYATH RAJ ACT, DTD. 10/08/2007.

1ST RESPONDENT'S EXHIBITS:

EXT.R1(A): COPY OF THE DIRECTIONS ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER DTD. 03/02/2007.

EXT.R1(B): COPY OF THE REPORT DTD. 07/02/2007 TO THE RDO THRISSUR BY THE 4TH RESPONDENT.

EXT.R1(C): COPY OF THE SHOW CAUSE NOTICE DTD. 11/05/2007 BY THE 4TH RESPONDENT TO THE PETITIONER.

EXT.R1(D): COPY OF THE REPLY DTD. 30/05/2007 TO THE 2ND RESPONDENT.

EXT.R1(E): COPY OF THE ORDER OF OMBUDSMAN DTD. 19/07/2007 TO THE 1ST RESPONDENT.

WPC.NO.24064/2007 M

2ND RESPONDENT'S EXHIBITS:

EXT.R2(A): **COPY OF THE COMMUNICATION ISSUED BY THE ENVIRONMENT ENGINEER, KERALA POLLUTION CONTROL BOARD TO THE PETITIONER AS NO.PCB/TSR/COM/MUK/99 DTD.07/02/07.**

EXT.R2(B): **COPY OF THE COMMUNICATION ISSUED BY THE ENVIRONMENT ENGINEER, KERALA POLLUTION CONTROL BOARD TO THE PETITIONER AS NO.PCB/TSR/GEN/59/06 DTD. 30/05/07.**

EXT.R2(C): **COPY OF THE REPORT SUBMITTED BY THE ENVIRONMENTAL ENGINEER, POLLUTION CONTROL BOARD TO THE R.D.O. AS NO.PCB/PSR/GEN/45/2003 DTD. 07/02/07.**

EXT.R2(D): **COPY OF THE COMMUNICATION ISSUED BY THE ENVIRONMENTAL ENGINEER, POLLUTION CONTROL BOARD TO THE PETITIONER AS NO.PCB/TSR/COM/MUK/99 DTD. 03/02/07.**

EXT.R2(E): **COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE ENVIRONMENTAL ENGINEER, POLLUTION CONTROL BOARD TO THE PETITIONER AS NO.PCB/TSR/COM/MUK/99 DTD.11/05/07.**

EXT.R2(F): **COPY OF THE LETTER DTD. 9/10/2007 ISSUED BY THE FIRST RESPONDENT TO THE 2ND RESPONDENT.**

/TRUE COPY/

P.S.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

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W.P.(C)No.24064 OF 2007

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DATED THIS THE 30TH OCTOBER, 2007

J U D G M E N T

Though detailed pleadings have been raised by the parties in this case, I do not propose to go into the merits of the matter. Ext.P7 appeal preferred by the petitioner is pending before the Committee of the Panchayat. The Committee of the Panchayat will take up Ext.P7, hear the petitioner and the 2nd respondent and take a correct decision on Ext.P7 at the earliest and at any rate within one month of receiving copy of this judgment. Since Ext.P7 is pending, Ext.P5 will not be enforced till such time as Ext.P7 is decided.

(PIUS C.KURIAKOSE, JUDGE)

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